

EXHIBIT “B”

Department of Energy, Labor & Economic Growth

NOTICE OF HEARING

Workers' Compensation Agency

In re: ACE American Insurance Company & Pacific Employers Insurance Company

Workers' Compensation Agency
Jack Nolish, Director
PO Box 30016
Lansing, MI 48909


Pacific Employers Insurance Co.
20700 Civic Center Dr Ste 400
Southfield, MI 48076
Coverage Dates: 10/1/00 –10 /1/02

Susan Przekop-Shaw
Assistant Attorney General
PO Box 30736
Lansing, MI 48909

ACE American Insurance Co.
20700 Civic Center Dr Ste 400
Southfield, MI 48076
Coverage Dates: 10/1/03 –10 /1/09

John Chapman
Cameron McComb
Walter Noeske
Conklin Benham PC
30700 Telegraph Rd Ste 2580
Bingham Farms, MI 48025

PLEASE TAKE NOTICE that a hearing on this case will be held before a designated hearing officer of the Workers' Compensation Agency.

HEARING TYPE:	Rule 5 (R 408.35)
REASON FOR HEARING:	Non-Compliance with the Worker's Disability Compensation Act of 1969 (See attached motion and additional parties)
HEARING OFFICER:	Thomas Burden, Designated Hearing Officer (MCL 418.205)
DATE:	January 5, 2010
TIME:	10:00 am (EST) 
HEARING SITE:	General Office Building 7150 Harris Dr. Dimondale, MI 48821

The Workers' Compensation Agency has also served notice of this hearing on all parties named on pending Application(s) for Mediation or Hearing or appeals, in which date(s) of injury during the period(s) of October 1, 2000 to October 1, 2002 and/or October 1, 2003 to October 1, 2009 at Delphi Corporation (insolvent) have been alleged. THESE PARTIES may appear as they feel necessary.

NOTE: If you are represented by an attorney, you should contact your attorney with regard to your attendance at these proceedings.

Please contact the Lansing office at 1-888-396-5041 if there are any questions.

Dated at Lansing, Michigan on this 14th day of December, 2009.

EMPLOYEE ATTORNEYS ALSO SERVED
In Re Pacific and ACE
Director Motion to Invoke Rule 5 and Enforce Compliance

LAST NAME	FIRST NAME	MI LAW FIRM	ADDRESS LINE 1	ADDRESS LINE 2	CITY	STATE	ZIP
ADLER	BARRY	D ADLER STILLMAN PLLC	30300 NORTHWESTERN HWY FL3		FARMINGTON HILLS	MI	48334
ARNOLD	FERRIS	L FERRIS L ARNOLD CONSULTING INC	860 SUE CT		SAGINAW	MI	48609
BENDER	KARLAN	J DAVID J COOPER PC	4153 OCCIDENTAL HWY.	P.O. BOX 380	TECUMSEH	MI	49286
BURNS	TIMOTHY	S DAVIDSON BREEN & DOUD PC	1121 N MICHIGAN AVE		SAGINAW	MI	49286
CAMERSON	GABRIEL	L WEISSE RETTING RADMACHER CLARK PC	1225 LUDINGTON ST		ESCANABA	MI	49829
CHOWNING	JOHN	C VIGLETTI CHOWNING EDGAR & WAGNER	GRAND BLANC NORTH PARK	10761 S SAGINAW SUITE D	GRAND BLANC	MI	48439
CLAYTON	KENNETH	D LAW OFFICES OF CLAYTON MULDER & HORAN	3135 DIXIE HIGHWAY		WATERFORD	MI	48328
COOPER	DAVID	J COOPER & BENDER PC	4153 OCCIDENTAL HWY.	P.O. BOX 380	TECUMSEH	MI	48328
CRAWFORTH	WILLIAM	M WILLIAM M CRAWFORTH PC	220 E HURON SUITE 520		ANN ARBOR	MI	49286
DELLA SANTINA	PHILIP	S DAVIDSON BREEN & DOUD PC	1121 N MICHIGAN AVE		SAGINAW	MI	48602
DOUD	MICHAEL	P DAVIDSON BREEN & DOUD PC	3438 LENNON RD		FLINT	MI	48602
DOUD	RICHARD	J DAVIDSON BREEN & DOUD PC	1121 N MICHIGAN AVE		FLINT	MI	48602
DUNN	MICHAEL	R MICHAEL R DUNN & ASSOCIATES PC	LIBERTY CENTER	100 WEST BIG BEAVER SUITE 200	TROY	MI	48062
EDGAR	JIM	D VIGLETTI CHOWNING EDGAR & WAGNER	GRAND BLANC NORTH PARK	10761 S SAGINAW SUITE D	GRAND BLANC	MI	48084
FERGUSON	ANDREW	M DAVIDSON BREEN & DOUD PC	3438 LENNON RD		FLINT	MI	48607
GLOTTA	RONALD	D GLOTTA & ASSOCIATES PC	220 BAGLEY ST SUITE 808		DETROIT	MI	48226
HORAN	PATRICK	M LAW OFFICES OF CLAYTON MULDER & HORAN	3135 DIXIE HWY		WATERFORD	MI	48328
KAHN	WILLIAM	D LAW OFFICES OF DENNIS A ROSS	2450 EVERGREEN ROAD	SUITE 208	SOUTHFIELD	MI	48075
MACDONALD	ROBERT	J MACDONALD FITZGERALD MACDONALD	653 S SAGINAW STREET SUITE 200		FLINT	MI	48502
MACDONALD	TIMOTHY	J MACDONALD FITZGERALD MACDONALD	653 S SAGINAW STREET SUITE 200		FLINT	MI	48502
MARUTIAK	PATRICK	J	1028 E MAIN		OWOSSO	MI	48867
MCNULTY	BRIAN	P BRIAN P MCNULTY PC	74 W 8TH ST	PO BOX 835	HOLLAND	MI	49423
MILSTER	RICHARD	O LAMBERT LESER ISACKSON COOK & GIUNTA PC	916 WASHINGTON AVENUE STE 309	PO BOX 27	MUSKEGON	MI	48708
NEAL	GARY	T MCCROSKEY LAW	1440 BECK STREET	PO BOX 27	MUSKEGON	MI	48708
O'GRADY	JOHN	F O'GRADY & ONEIL	PO BOX 6098	973 MIDLAND RD	SAGINAW	MI	48608
PETROLIS	DONALD	L CHARTERS HECK O'DONNELL & PETROLIS PC	888 W BIG BEAVER RD STE 1490		TROY	MI	48084
PODEIN	MICHAEL	W RYAN PODEIN & POSTEMA PC	3330 GRAND RIDGE DR NE		GRAND RAPIDS	MI	49525
POLLOK	STEVEN	J RAPAPORT POLLOK FARRELL & SABLICH PC	3626 DUNCKEL	P.O. BOX 24127	LANSING	MI	48209
RAINS	LOWERY	M	152 E FRONT ST		ADRIAN	MI	49221
SMITH	TIMOTHY	J TIMOTHY J SIMON PC	G-1388 W BRISTOL ROAD		FLINT	MI	48607
SMITH	JAMES	DAVIDSON BREEN & DOUD PC	1121 N MICHIGAN AVE		SAGINAW	MI	48602
SMITH	JON	M	222 FRANKLIN	PO BOX 786	GRAND HAVEN	MI	49417
STEELE	FLOYD	W DAVIDSON BREEN & DOUD PC	3438 LENNON RD		FLINT	MI	48607
STEWART	DAVID	M NEAL NEAL & STEWART PC	OLD ELKS BUILDING, SUITE 102	142 W. SECOND STREET	CLARE	MI	48617
TRUCKS	J TODD	JAY TRUCKS & ASSOCIATES PC	600 PINE STREET		TROY	MI	48084
TYLER	MATTHEW	A CHARTERS HECK O'DONNELL & PETROLIS PC	CITY CENTER BLDG	888 WEST BIG BEAVER STE 1490	BIRMINGHAM	MI	48009
ULRICH IV	JOHN M	H CRAWFORTH MC MANUS TENBRUNSEL & ULRICH PC	999 HAYNES ST STE 245	SUITE D	GRAND BLANC	MI	48439
WAGNER	RICHARD	P VIGLETTI CHOWNING EDGAR & WAGNER	10761 SOUTH SAGINAW		LANSING	MI	48309
WALDRON JR.	DONALD	RAPAPORT POLLOK FARRELL & SABLICH PC	3626 DUNCKEL DRIVE	PO BOX 24127	LANSING	MI	48317
WILENSKY	NEAL	J KAECHLE & WILENSKY PC	6500 CENTURION SUITE 230		SAGINAW	MI	48602
WRIGHT	W	K	1109 COURT STREET		SAGINAW	MI	48602

EMPLOYER/CARRIER ATTORNEYS ALSO SERVED
In Re Pacific and ACE
Director Motion to Invoke Rule 5 and Enforce Compliance

LAST NAME	FIRST NAME	MI	LAW FIRM	ADDRESS LINE 1	ADDRESS LINE 2	CITY	STATE	ZIP
ALIC	EMINA	S	LEVASSEUR & LEVASSEUR PC	24725 W TWELVE MILE RD STE 230		SOUTHFIELD	MI	48034
BARRETT	CARRIE	G	LACEY & JONES	600 SOUTH ADAMS	SUITE 300	BIRMINGHAM	MI	48009
BERKOWITZ	DIANE	L	EVANS PLETKOVC PC	28125 WOODWARD AVENUE		HUNTINGTON WOODS	MI	48070
CHAMINSKY	CHRISTOPHER	R	LEWISLEY & FERRO	28777 HALSTED RD	PO BOX 2060	FARMINGTON HILLS	MI	48333
CHAPMAN	JOHN	S	CONKLIN BENHAM PC	30700 TELEGRAPH RD STE 2580		BIRMINGHAM FARMS	MI	48025
DAY	WILLIAM	A	LACEY & JONES LLP	600 SOUTH ADAMS ROAD	SUITE 300	BIRMINGHAM	MI	48009
DEFRANK JR	RENALDO	P	LEVASSEUR & LEVASSEUR PC	24725 W 12 MILE ROAD	SUITE 230	SOUTHFIELD	MI	48034
GILFEATHER	CHARLES	A	BRAUN KENDRICK FINKBEINER	4301 FASHION SQUARE BLVD		SOUTHFIELD	MI	48034
LEVASSEUR	DENICE	M	LEVASSEUR & LEVASSEUR PC	24725 W 12 MILE ROAD	SUITE 230	SOUTHFIELD	MI	48034
LIGGETT	BENJAMIN	T	LACEY & JONES LLP	600 S ADAMS ROAD STE 300		BIRMINGHAM	MI	48009
MARCINKOSKI	GERALD	M	LACEY & JONES LLP	600 S ADAMS ROAD STE 300		BIRMINGHAM	MI	48009
MCCANN	D MICHAEL	C	CONKLIN BENHAM DUCY LISTMAN & CHUHRAN PC	600 S ADAMS ROAD STE 300		BIRMINGHAM	MI	48009
MCCOMB	CAMERON	F	CONKLIN BENHAM PC	30700 TELEGRAPH RD STE 2580		BIRMINGHAM FARMS	MI	48025
NOESKE	WALTER	L	BRAUN KENDRICK FINKBEINER	30700 TELEGRAPH RD STE 2580		BIRMINGHAM FARMS	MI	48025
OGNISANTI	EMIL	J	PATTERSON PIPHER & PHILLIPS PC	1274 LIBRARY ST	SUITE 500	DETROIT	MI	48226
PHILLIPS	DWIGHT	J	BRAUN KENDRICK FINKBEINER PC	4301 FASHION SQUARE BLVD		SAGINAW	MI	48603
RUTH	THOMAS	A	BRAUN KENDRICK FINKBEINER PC	4301 FASHION SQUARE BLVD		SAGINAW	MI	48603
SMITH JR	LAWRENCE	W	JENSEN GILBERT SMITH & BORRELLIO PC	121 S MICHIGAN AVENUE		SAGINAW	MI	48602
WYATT III	GEORGE	H	BRAUN KENDRICK FINKBEINER	4301 FASHION SQUARE BLVD		SAGINAW	MI	48603

**OTHER PARTIES ALSO SERVED
In Re Pacific and ACE
Director Motion to Invoke Rule 5 and Enforce Compliance**

NAME	ADDRESS LINE 1	CITY	STATE	ZIP
Accident Fund Insurance Co. of America	PO Box 40790	Lansing	MI	48901
American Home Assurance Company	PO Box 4230	Alpharetta	GA	30023
American Insurance Co	PO Box 30374	Atlanta	GA	30374
Blue Cross Blue Shield of MI	600 Lafayette Ste 1928	Detroit	MI	48226
Broadspire Services	PO Box 3050	Livonia	MI	48150
Cynthia Kriger	27555 Executive Dr. Ste 360	Farmington Hills	MI	48331
Dan Zolkowski	PO Box 40790	Lansing	MI	48901
Delphi Corporation (Insolvent)	PO Box 5060	Southfield	MI	48086
Diesel Technology Company	PO Box 888653	Grand Rapids	MI	49588
Doubletree Hotel Bay City Riverfront	1 Wernona Park Pl	Bay City	MI	48708
Gallade Technologies Inc	1626 Hess Ave	Saginaw	MI	48601
Gary Schmalzried	600 Lafayette Ste 1928	Detroit	MI	48226
General Motors Corporation	PO Box 69	Southfield	MI	48037
Huron Valley Ambulance	1200 State Circle	Ann Arbor	MI	48108
Marc Littman	23077 Greenfield Rd Ste 557	Southfield	MI	48075
Michigan Head & Spine Institute	46325 12 Mile Rd Ste 100	Novi	MI	48377
National Union Fire Insurance Co	PO Box 4230	Alpharetta	GA	30023
Second Injury Fund/2 Years Continuous	PO Box 30182	Lansing	MI	48909
Second Injury Fund/Dual Employment Provisions	PO Box 30182	Lansing	MI	48909
Second Injury Fund/Permanent & Total Disability	PO Box 30182	Lansing	MI	48909
Self-Insurers' Security Fund	PO Box 30182	Lansing	MI	48909
Thomas H. Cypher	120 Ionia SW Ste 300	Grand Rapids	MI	49503
Trans Continental Insurance Co.	PO Box 1562	Lombard	IL	60148
Travelers Indemnity Co of Connecticut	PO Box 50472	Indianapolis	IN	46250
TRW Automotive	2328 E. Genesee Ave	Saginaw	MI	48601

EMPLOYEES ALSO SERVED
In Re Pacific and ACE
Director Motion to Invoke Rule 5 and Enforce Compliance
(Those represented by an attorney only received a copy
of the Notice of Hearing and no other attachments)

ALLBEE, TERRY	COX, DEBRA	HAGGARD, BUDDY
ALLEN, MARY	CROWE, JOYCE	HAGGERTY, SCOTT
ALLINGER, KAREN	CSIRKE, SCOTT	HAIRSTON, LINDA
ANDERSON, BARBARA	CULBERSON, MILDRED	HALL, RANDALL
ANDERSON, LESLEY	CUNNINGHAM, MICHAEL	HARBACK JR, ALMERON
ANDERSON, PAULA	CURTIS, GREGORY	HARDY, KEVIN
ANDREWS, DEBRA	DAVIS, DEBRA	HARPER, STELLA
ANTAYA, DOROTHY	DAY, DONALD	HARRIS, JACULYN
ARNDT, RANDALL	DELACRUZ, TOMAS	HARRISON, EDEN
ASHLEY, KEVIN	DELEON, JOSE	HATCH, JANICE
BARLOW, JANET	DIAZ, PETER	HAYES, KAY
BAUER, RONALD	DICOSOLA, DAVID	HAYNES, LORENE
BAUMER, SHEILA	DILL, JOSEPH	HAYWOOD, ETTA
BAZ, RIAD	DONALD, EDDIE	HERBOLSHEIMER, DAVID
BEAR, RYAN	DRAKE, CRYSTAL	HERLINE-WRIGHT, SUSAN
BECKWITH, DALE	DUCHAM, DANIEL	HILL, CELIA
BENAVIDES, ALVIN	DWYER, GARY	HILLMAN JR, WALTER
BENSCHOTER, RODNEY	EAREGOOD, LYNETTE	HILLS, CYNTHIA
BERRY, ETHEL	EARL, FREDERICK	HOLLEY, ESTELLE
BICKEL, MARIA	EAVES, THOMAS	HOLLIGAN, MICHELLE
BLOSSEY, EDWIN	EDDY JR, BERNARD	HORTON, KAREN
BRADY, DUANE	EDLINGER, JAMES	HUNTER, MARY
BRADY, MARIE	ELDRIDGE, DONALD	HURST, NANCY
BRANTLEY BUFORD, TONI	ELLIS, DECLAN	JACKSON, BONNIE
BREAMSEY, SPENCER	ELLISON, LAFRANCE	JACKSON, MARIE
BROWN, BEVERLY	ENRIQUEZ, MARY	JELSMA, ROWLAND
BROWN, CLEOPHAS	ERNST, EUGENE	JOHNSON, DAYNA
BROWN, THOMAS	ERVIN, EDWARD	JOHNSON, DEBRA
BROWN, TIMOTHY	ESPINOZA, RICARDO	JOLLY, PAUL
BROWN-ROBINSON, ANNETTA	EWALD, THOMAS	JONES, ALGA
BRUMLEY, GLORIA	FALL, TODD	JONES, ANITA
BUGGS, GENE	FARVER, DEBRA	JONES, ROBERT
BUKOWSKI, LAWRENCE	FIELDS, PATRICIA	JONES, TIMOTHY
BURNS, BOBBIE	FLEMING, ANTHONY	KAGLE, DEBRA
BURNS, GRANT	FLYNN, SAUNDRA	KAPNICK, PAMELA
BURNS, PAULA	FORD, JOSEPH	KELLY, JACK
BURRELL, CHRISTINE	FOSTER JR, HENDERSON	KING, VERA
BURTON, FELICIA	FREEMAN, YOLANDA	KLONOWSKI JR, THOMAS
BUTLER, DONALD	FURLO, DEBORAH	KOZEL, KERRY
BUTTERFIELD, MARDINE	GATES, TERRY	KRUCHKOW, DORENE
BYRON, GARY	GATTES, LOWELL	LABARR, KATHY
CAMPBELL, MICHAEL	GIBBS, ANNIE	LADUKE, PATRICIA
CARROLL, LINDA	GIBSON, SHIRLEY	LAFLEUR, PIERRE
CARROLL, VIVIAN	GIBSON, WALTER	LAFRENIER, BARBRA
CARSON, PHILLIP	GILES, FRANK	LAMBERT, SHELLEY
CHAMBERS, BARBARA	GILLERSON, FAYE	LAMBERT, TERRY
CHILDRESS, CLYDE	GILLIAM, RICHARD	LAPINE, JEANNE
CHILDS, MICHELE	GOAD, JAMES	LAYTON, DALPHINE
CLABURN, CAROL	GOEBEL JR, WILLIAM	LEE JR, TROY
CLARK, DEBRA	GOLLADAY, TERRY	LEE, ANTHONY
CLARK, PENNY	GONZALEZ, ARCELIA	LEE, DAWNE
COLEY, JAMES	GOODRICH, DAYTON	LEE, THERESA
COLLISON, LAWRENCE	GOULD, CEDRIC	LEECK, RASOLIND
CONTRERAS, THOMAS	GOULD, KIMBERLY	LELO, WALTER
CONWAY, LARRY	GRAI, JAMES	LEWIS, ALECIA
COOK, GARY	GREEN, DANIEL	LOGAN, EARTHA
COON, CRISTINA	GRIER, BRENDA	LOISELLE, PAUL
COOPER, ERICK	GROULX, LINDA	LORENZ, DEBORAH
COOTS, MICHAEL	GURTZWEILER, TRESSIE	LOTT, WILLIAM
COSTON, DYWANE	GUST, MARY	LOVE, CASSANDRA
COUTCHER, TERRY	HACK, KEITH	MACK, CALLIE

EMPLOYEES ALSO SERVED
In Re Pacific and ACE
Director Motion to Invoke Rule 5 and Enforce Compliance
(Those represented by an attorney only received a copy
of the Notice of Hearing and no other attachments)

MAJEWSKI, JOHN	RIVETTE, RICHARD	WARREN, DEBRA
MAKAREWICZ, MARIE	ROE, TERRY	WASHINGTON, CAROLYN
MARSHALL, ALICE	ROGERS, CATHY	WASKOSKI, JACQUELYN
MARTA-SCHILLING, TAMRA	ROLAND, GLENDA	WATSON, MARY
MARTINEZ, KIMBERLY	ROOD, GERALD	WEATHERSPOON, NANCY
MASTERS, CONSTANCE	ROUSSEAU, TIMOTHY	WEBB JR, JAMES
MASTRIANNI, KAREN	RUHL, CHARLES	WEISS, GEORGE
MATJEGA, EDWARD	RUSSELL, CYNTHIA	WELCH, GEORGE
MATZNICK, JOHN	SAMPSON, PATRICIA	WELLS, RITA
MCCALL, VALERIE	SANADA, DARWIN	WENDLAND, DOUGLAS
MCCARTHY, FRANK	SANDERS, ALMA	WESTON, JAMES
MCCLAINE, YVETTE	SANDERS, LETTIE	WHITLEY, ALICE
MCCLELLON, TONJA	SANDERS, YVONNE	WHITMAN, DUANE
MCCONNELL, MARY	SCHATZER, BOYD	WHITTINGTON, PAMELA
MCDONALD, DOROTHY	SCHEER, BARBARA	WILKERSON, ROBERT
MCHALE, PATRICK	SCHWERTNER, TAMARA	WILLIAMS, CHARLES
MCKELLAR, MICHAEL	SCOTT, SHERRY	WILLIAMS, ROSEVELT
MCNEIL, ROBERT	SEELEY, MARY	WILLIAMS, ROXANNE
MILLER, APRIL	SEGER LEE, CORA LEE	WILLIAMS, SANDRA
MILLER, SANDRA	SHAGENA, DONALD	WILLIAMSON, SHAWN
MITCHELL, MARY	SHAGENA, KYLE	WINCHELL, BARBARA
MUNOZ, JESUS	SHEPHERD, BONNIE	WINTERSMITH, JACQUELYN
NAPIERALSKI, DOROTHY	SIPIALA, PATRICK	WITT, LLEWIS
NEAL, NAOMI	SLIVA, LORI	WORLEY, GEORGE
NELSON, EVELYN	SMITH, DIANE	WRIGHT, KATHY
NEQUEST, AXEL	SMITH, KIMBERLEY	YEARBY JR, SOLOMON
OGLESBY, BOBBY	SMITH, STEPHANIE	YORK, BRENDA
OHLMAN, DIANA	SMITH-GEORGE, PAULA	
OVERMAN, DEREK	SNOWDEN, SHIRLEY	
PACIOREK, CAROL	SPARKS, TYRONE	
PARKER JR, BERNARD	SPIALEK, JONATHAN	
PARKINSON, KATHLEEN	STAHLER, DAVID	
PATRICK, MARY	STEPHENSON, JOHN	
PATTERSON, DIA	STEVENSON, BETTY	
PAULSEN, CHARLES	STEVENSON, ROBERT	
PAULSON, THOMAS	STINNETT SR, HARLENE	
PEACOCK, JENNIFER	STRIETER JR, DAVID	
PEPPER, LUCILLE	STROHPAUL, JAMES	
PEREZ, BETH	STUART, PATRICIA	
PERRY, AMY	TACEY II, KENNETH	
PERVEZ, FELIZ	TALLY, ANTWAN	
POUNDS, DERICK	TANNER, KRISTINE	
PRESCOTT, MARK	TAPPEN JR, ELMER	
PRESLEY, GENE	TAYLOR JR, EDMOND	
PRESTON, TINA	THOMAS, LOVIE	
PRITCHETT, LULA	THOMAS, MEREDITH	
PROBST, BEVERLY	THOMPSON, SHEILA	
RADABAUGH, THOMAS	THRONSON, GARY	
RADLICK, MARY	THURKETLE, JASON	
RAGLAND, ANNIE	TIDWELL, YVONNE	
RAGNONE, LYNETTE	TRENZ, PAUL	
REGALADO, DEIDRA	ULMAN, BRADLEY	
REID, SHEILA	VALENTINE, ELROY	
REMAINDER, MICHAEL	VALLEGLUNGA, DEBORAH	
REPPUHN, DANIEL	VANHORN, MIKEAL	
REYNOLDS, ULRICH	VENSKO, ELIZABETH	
RICHARDS, MARY	VISNAW, TERRY	
RICHARDS, MICHAEL	VOSS, KATHERINE	
RICHARDSON, ANGELA	WALKER, JAN	
RICHESON, TRISHA	WALKER, KAREN	
RITTER SR, DANIEL	WALKER, RICHARD	

MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
MICHIGAN WORKERS' COMPENSATION AGENCY

In re:

ACE AMERICAN INSURANCE COMPANY
and PACIFIC EMPLOYERS INSURANCE
COMPANY.

RULE 5 HEARING

MICHIGAN WORKERS' COMPENSATION AGENCY DIRECTOR'S MOTION TO
SCHEDULE HEARING TO ENFORCE COMPLIANCE WITH THE MICHIGAN
WORKER'S DISABILITY COMPENSATION ACT AND APPLICABLE RULES

Jack A. Nolish, as Director of the Michigan Workers' Compensation Agency ("WCA"), by and through his counsel, Mike Cox, Michigan Attorney General, and Susan Przekop-Shaw, Michigan Assistant Attorney General, invokes Rule 5 of the Michigan Workers' Compensation Agency Rules, 1999 AC, R 408.35, and gives notice to Pacific Employers Insurance Company ("Pacific") and ACE American Insurance Company ("ACE") of a hearing scheduled for the purpose of determining and enforcing their compliance with the Michigan Worker's Disability Compensation Act, MCL 418.101, *et seq.* ("Act"), and in support of his Motion states as follows:

JURISDICTION AND AUTHORITY

1. All questions arising under the Act shall be determined by the Agency or a workers' compensation magistrate, as applicable. (Section 841 (1) of the Act, MCL 418.841(1)). Questions concerning insurance coverage for work-related injuries are within the exclusive jurisdiction of the workers' compensation system, even though the carrier's denial of coverage was based on a specific provision in the insurance contract. *St Paul Fire & Marine v Littky*, 60 Mich App 375, 377-378; 230 NW2d 440 (1975); *Michigan Property Assn v Checker Cab*, 138 Mich App 180, 182; 360 NW2d 168 (1984); *Netherlands Ins Co v Bringman*, 153 Mich App 234, 395 NW2d 49 (1986) (where a carrier sought to evade the workers' compensation

administrative process by seeking equitable relief, including reformation of contract); *Hubbard, deceased v Laidlaw Transit Co*, 2000 ACO #406 pp 5-6; *Engler, deceased v EME Engler*, 2004 ACO # 96, pp 3-4.

2. Under the Act, the Director possesses the powers and performs the duties granted and imposed by this Act, including, but not limited to, being in charge of the docketing and progress of contested cases and of the assignment of the work to the Agency's assistants, hearing referees, and employees (Section 205 of the Act, MCL 418.205); overseeing any dispute, controversies, and all questions arising under the Act (Section 841 of the Act, MCL 418.841); scheduling hearings for him or his authorized representative to determine compliance with the Act (WC Agency Rule 5(1); 1999 AC, R 408.35 (1)) and issuing compliance orders (WC Agency Rule 5(4); 1999 AC, R 408.35 (5)).

3. The Act recognizes the Director as an interested party in any matter involving questions of law. (Section 841 (1) of the Act; MCL 418. 841(1)).

4. Under the Act, the Director is responsible for receiving all notices of insurance filed by Michigan insurers. (Section 625 of the Act; MCL 418.625.)

METHODS TO SECURE PAYMENT OF COMPENSATION IN MICHIGAN

5. In order to operate in Michigan as an employer, the employer at a minimum must secure payment of compensation under the Act by either receiving authorization from the Director to be a self-insurer (Section 611 (1)(a) of the Act; MCL 418.611(1)(a)) or by insuring against liability with an insurer authorized to transact worker's compensation insurance business within this State. (Section 611 (1)(b) of the Act; MCL 418.611(1)(a)).

6. The Act does not prohibit double coverage – that is, an employer may be granted self-insurance status and still have insurance coverage, or have more than one insurer covering the employer's liability.

7. The Act does not require the insurance carrier to file the actual insurance policy with the Agency. However, section 621(4)(5) of the Act, MCL 418.621 (4)(5) specifically requires every insurance contract in Michigan to contain language that is not controlled by the parties, but by the Act.

8. Instead of the policy language being left to the parties' negotiations, the Act explicitly renders void any contract provision inconsistent with the requisite contract language:

Every contract for the insurance of the compensation provided in this act for or against liability therefore, shall be subject to the provisions of this act and provisions inconsistent with this act are void...[Section 621(1) of the Act, MCL 418.621 (1).]

9. The Act requires an insurer to file with the Agency "Insurer's Notice of Issuance of Policy", commonly referred to as the "Form 400":

Each insurer mentioned in section 611 issuing an insurance policy covering workers' compensation in this state shall file with the director, within 30 days after the effective date of the policy, a notice of the issuance of the policy and its effective date. [Section 625 of the Act; MCL 418.625.]

10. When coverage is ending for any reason, an insurer must file with the Agency at Lansing Michigan, at least 20 days before taking effect, a Notice of Termination of Liability (Form 401) giving the proposed termination date of the policy and stating that any termination shall not be effective as far as the employees of the insured employer are concerned until 20 days after notice is received by the agency. (Section 621 (4)(g) of the Act, MCL 418.621(4)(g)). Workers' Compensation Agency Rule 11a, 1980 AC R 408.41A, requires the notice of termination of liability to be reported to the Agency on "form 401."

11. The significance of the Forms 400 and 401 to the Director's regulatory and enforcement responsibilities under the Act cannot be overstated. Simply put, an insurer's Form 400 makes the determination of an employer's compliance with the statutorily mandated workers' compensation insurance coverage a clear cut, black and white, "yes or no" issue. The Act charges the director

with the duty to determine the insurers that cover employers and provides him only with the Insurer's Notice of Issuance of Policy as the only instrument to fulfill such duty. The significance of the Form 400 is demonstrated by the Director's statutory authority to seek an injunction against an employer that perpetually enjoins the employer from employing any person at any time the employer is without workers' compensation coverage, (Section 645(2)(3), MCL 418.645(2)(3)) and/or seek penalties not more than \$1,000.00 for each day the employer was without coverage (Section 645(4), MCL 418.645(4)).

12. Michigan's workers' compensation statutory system was designed to effectuate and resolve eligibility and liability for workers' compensation obligations in a swift manner. Such a policy is readily accomplished by the statutory scheme that creates specific consequences for filing an Insurer's Notice of Issuance of Policy.

13. Early on, the Michigan Supreme Court recognized the importance and efficiency of the Forms 400 and 401 as reflecting an orderly procedure by which an injured employee may from the department's records determine the insurer on the date of the injury. *Zielke v A. J. Marshall Co.*, 306 Mich 474, 477; 11 NW2d 209 (1943). "[I]t is still requisite, incident to the orderly administration of the compensation law, that the records of the department of labor and industry shall disclose what insurer is carrying the employer's compensation risk." *Burhans v Central States Produce Corp*, 313 Mich 124, 129; 20 NW2d 835 (1945). It should be noted that ACE and Pacific have not denied filing with the Agency the Form 400s in question.

14. The intent in filing the Form 400s is not controlling in the Workers' Compensation arena because the requirement of an employer to assure compensation coverage is "primarily for the benefit and protection of employees":

Hence as to such insurance contracts the matter of "intent" or meeting of minds cannot be applied in like manner as to ordinary contracts between individuals. Instead, the statute requires such insurance and fixes the conditions of liability.

To hold otherwise in ordinary workmen's compensation cases would greatly jeopardize the rights of employees for whose benefit insurance is required by law. [*New Amsterdam Casualty v Moss*, 312 Mich 459, 472-474; 20 NW2d 272 (1945).]

Although the Act may have been amended, the law in regard to the liability of an insurer who files the notice of issuance of policy with the Agency has not changed in the last 60 years.

PACIFIC AND ACE NOTICES OF ISSUANCE AND TERMINATION OF POLICIES
FOR DELPHI AUTOMOTIVE SYSTEMS AND DELPHI CORPORATION

15. At all pertinent times, Pacific and ACE were registered Michigan workers' compensation insurance carriers, with the Agency listing the same address in Southfield Michigan for both carriers.

16. Pacific and ACE, while transacting business in Michigan as workers' compensation insurance carriers, gave the Agency notice, by filing on an annual basis for nine of the last ten years, Form 400s that reflect they insured Delphi Automotive Systems Corporation and Defendant Delphi Corporation, respectively, at all Michigan Delphi plants for all its workers' compensation obligations. Pacific filed two Form 400s from October 1, 2000 through October 1, 2002 and ACE filed six Form 400s from October 1, 2003 through October 1, 2009. (See Director Exhibit 1 Certificate of Administrator of Michigan Workers' Compensation Agency Insurance Program.)

17. Each of the eight Form 400s filed and signed by persons authorized by these carriers contained the following language:

Pursuant to the Worker's Disability Compensation Act, this is to certify that the above reference employer has been issued a policy of insurance by the above carrier. This policy covers all the liability imposed upon the employer by the provisions of the Michigan Worker's Disability Compensation Act for all employees in any and all of the employers' businesses. (See Form 400s attached to Director Exhibit 1 Certificate of Administrator of Michigan Workers' Compensation Agency Insurance Program.)

18. In between October 1, 2000 through October 1, 2009, except for the year October 1, 2002 through October 1, 2003, Pacific and ACE also filed Form 401s entitled "Notices of Termination of Liability" on an annual basis, followed shortly by the filing of new Form 400s. (See Exhibit 1 Certificate of Administrator of Michigan Workers' Compensation Agency Insurance Program, p 2 and attached Form 401s.)

19. Based upon these notices, the Agency Director decides which carriers cover the risk for any employer "and all the businesses the said employer is engaged in at the time." (Section 621 (4)(e), MCL 418.621(4)(e)). After ACE filed its June 17, 2009 Notice of Termination of Liability, the Director advised Pacific and ACE that the Agency records show that these carriers insured Delphi Corporation and Delphi Automotive Systems Corporation for all workers' compensation liability – Pacific for Delphi Automotive Systems Corporation from October 1, 2000 through October 1, 2002 and ACE for Delphi Corporation from October 1, 2003 through October 1, 2009. (See Director Exhibit 2 July 15, 2009 Director's Letter to ACE Limited.) Since neither Pacific nor ACE submitted any notice of insurance coverage for the period of October 1, 2002 through September 30, 2003, the Agency does not consider these carriers to be on the risk for any workers' compensation injuries incurred by Delphi Corporation's employees during that time.

IMPACT FROM AGENCY'S TERMINATION
OF DELPHI CORPORATION SELF-INSURED STATUS.

20. As of May 28, 1999, the then Director authorized Delphi Automotive Systems Corporation to be a self-insurer and thus to "make payments directly to [Delphi Automotive Systems'] employees as the employees become entitled to receive the payment under the terms and conditions of this act" (Section 611(1) of the Act, MCL 418.611). To the best of the current Director's knowledge, Delphi Automotive Systems Corporation paid its workers' compensation

obligations under the Act that it did not otherwise dispute. On May 28, 2002 Delphi Automotive Systems Corporation advised the Agency of its corporate name change to Delphi Corporation. As of that date, the then Director similarly authorized Delphi Corporation to be a self-insurer and to the best of the current Director's knowledge, Delphi Corporation paid its workers' compensation obligations under the Act that it did not otherwise dispute until October 6, 2009.

21. On October 7, 2009, the Administrator of the Workers' Compensation Agency Self-Insured Programs gave notice to Delphi Corporation of the Agency's intent to terminate on October 7, 2009 the self-insured authority granted to Delphi Corporation:

Termination of the self-insured authority is based on Delphi Corporation no longer existing as a corporation in Michigan pursuant to court order; Delphi Corporation giving notice to the Agency that workers compensation payments due and owing are not being paid, and the failure of Delphi Corporation to maintain the required excess insurance. These factors demonstrate a violation of the self-insured authority granted by the Workers' Compensation Agency to Delphi Corporation specifically § 418.611(1) and Administrative Rule 408.43c. [See Director Exhibit 3 Administrator Self-Insured Programs Letter to Delphi Corporation.]

22. To the best of the Director's knowledge, Delphi Corporation stopped paying its workers' compensation obligations under the Act as of midnight October 6, 2009. As of November 18, 2009, the Agency had records reflecting 735 open paying claims for the Delphi Corporation.

23. Currently 332 former Delphi employees have workers' compensation contested cases in the Michigan workers' compensation administrative and appellate process alleging injuries incurred during Pacific's or ACE's coverage periods. To the best of the Director's knowledge, these employees are not receiving any workers' compensation benefits, including wage loss and medical expenses -- either because their cases were disputed or their payments were discontinued once Delphi Corporation became insolvent.

STATEMENT OF MATTERS TO BE CONSIDERED

24. The discontinuation of workers' compensation benefits for any of these employees who allege injuries at the now insolvent Delphi Corporation Michigan facilities places them at risk of irreparable harm that continues to mount as each day passes without resolution. The economic crisis created by this disruption of benefits calls for an immediate effort to limit, if not remediate, such irreparable harm. Bringing the central question of law underpinning all 332 claims to be addressed in a hearing held pursuant to Rule 5 will promote administrative efficiency and economy and facilitate early resolution in these cases. Where other factual and legal issues under the Act remain, those can be left for resolution by the magistrates and other appellate bodies. Thus, immediate consideration and expedited resolution are warranted.

25. For all these reasons, the Director calls for a Rule 5 hearing and seeks to enforce Pacific's and ACE's compliance with the Act. The Director designates Thomas Burden as hearing officer for this Rule 5 hearing.

26. The question of law to be considered at the Rule 5 hearing that the 332 claims filed with the Agency have in common is as follows:

The law requires Michigan workers' compensation insurers to file with the Agency an Insurer's Notice of Issuance of Policy (Form 400) certifying that the employer named on the Form 400 has been issued a workers' compensation insurance policy and reflecting its effective date of coverage. The insurer that filed the Form 400 is on the risk when a worker is injured. Pacific and ACE filed the requisite Form 400s for the effective dates of October 1, 2000 through October 1, 2002 and October 1, 2003 through October 1, 2009, respectively. If Pacific and ACE filed the Form 400s listing themselves as the insurer for Delphi Automotive Systems Corporation and Delphi Corporation respectively, does their filing of the form as a matter of law put these insurers on the risk during the certified effective dates of coverage?

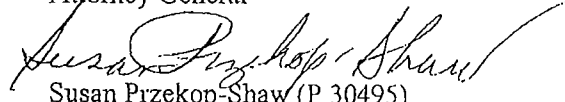
27. For the reasons outlined in this Motion, the Director has determined that the Michigan Workers' Compensation law places both Pacific and ACE on the risk for the employers they

designated and the effective dates they reflected on the Form 400s they filed with the Agency.

The Director requests the hearing officer to issue an order to this effect.

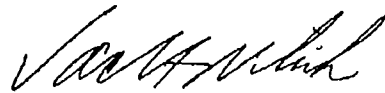
Respectfully submitted,

Michael A. Cox
Attorney General


Susan Przekop-Shaw (P 30495)
Assistant Attorney General
Attorneys for Michigan Workers'
Compensation Agency Director
Department of Attorney General
P.O. Box 30736
Lansing, MI 48909
(517) 373-2560

Date: December 14, 2009

Pleadings verified and approved by,



Jack A. Nolish, Director
Michigan Workers' Compensation Agency

Date: December 14, 2009

MICHIGAN DEPARTMENT OF ENERGY, LABOR, & ECONOMIC GROWTH
MICHIGAN WORKERS' COMPENSATION AGENCY

In re:

ACE AMERICAN INSURANCE COMPANY
and PACIFIC EMPLOYERS INSURANCE
COMPANY.

RULE 5 COMPLIANCE HEARING
_____ /

CERTIFICATION OF MICHIGAN WORKERS' COMPENSATION AGENCY
INSURANCE PROGRAMS DIVISION RECORDS

I, Cheryl A. Cornellier, Administrator of the Michigan Workers' Compensation Agency, Insurance Programs Division, certify that the attached documents are true and exact copies of the Notices of Issuance of Policy and Notice of Termination of Liability filed with the Workers' Compensation Agency, formerly known as the Bureau of Workers' Disability Compensation, as mandated under Section 625 of the Michigan Workers' Compensation Act, MCL 418.625, for Delphi Automotive Systems, from October 1, 2000 to October 1, 2002, and Delphi Corporation, 5825 Delphi Dr, Troy, MI 48098 from October 1, 2003 through October 1, 2009. The following table identifies information contained within the Agency records:

In re Pacific and ACE

Director Motion to Invoke Rule 5 and Enforce Compliance

Director Exhibit 1

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In re Pacific and ACE

Director Motion to Invoke Rule 5 and Enforce Compliance

Director Exhibit 1

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Form 400 Notice of Issuance of Policy Received by Agency	Name of Business/ Employer	Form 401 Notice of Termination of Liability Received by Agency	Insurance Company	Effective date of Coverage	Effective date of Termination
December 13, 2000	Delphi Automotive Systems Corporation		Pacific Employers Insurance Company	October 1, 2000	
October 29, 2001	Delphi Automotive Systems Corporation		Pacific Employers Insurance Company	October 1, 2001	
	Delphi Automotive Systems Corporation	June 27, 2002	Pacific Employers Insurance Company		October 1, 2002
November 3, 2003	Delphi Corporation		Ace American Insurance Company	October 1, 2003	
	Delphi Corporation	May 19, 2004	Ace American Insurance Company		October 1, 2004
October 14, 2004	Delphi Corporation		Ace American Insurance Company	October 1, 2004	
	Delphi Corporation	June 27, 2005	Ace American Insurance Company		October 1, 2005
October 31, 2005	Delphi Corporation		Ace American Insurance Company	October 1, 2005	
	Delphi Corporation	July 3, 2006	Ace American Insurance Company		October 1, 2006
October 30, 2006	Delphi Corporation		Ace American Insurance Company	October 1, 2006	
	Delphi Corporation	July 2, 2007	Ace American Insurance Company		October 1, 2007
October 24, 2007	Delphi Corporation		Ace American Insurance Company	October 1, 2007	
	Delphi Corporation	June 29, 2008	Ace American Insurance Company		October 1, 2008
October 29, 2008	Delphi Corporation		Ace American Insurance Company	October 1, 2008	
	Delphi Corporation	June 17, 2009	Ace American Insurance Company		October 1, 2009

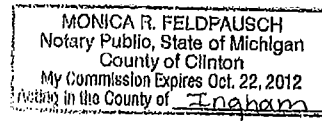
Date: 12-11-09

Cheryl A. Cornellier

Cheryl A. Cornellier – Administrator
Michigan Workers' Compensation Agency
Insurance Program

Subscribed and sworn to before me this 11th day of December 2009.

Monica R. Feldpausch My Commission Expires on 10-22-2012
Clinton County, acting in
Notary Public Ingham County, Michigan.



In re Pacific and ACE

Director Motion to Invoke Rule 5 and Enforce Compliance

Director Exhibit 1

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